

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	8:04CR81
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
JAMES V. McCART,)	
)	
Defendant.)	

I held a conference call with counsel today. I learned from defense counsel that Mr. McCart is in the Douglas County Hospital and that his neurologist does not believe he is competent to proceed.¹ Based upon that representation, both the government and the defendant moved for a continuance of sentencing for an extended period of time subject to certain conditions. Their oral motion is granted, and

IT IS ORDERED that:

1. This matter is continued until further order of the court.
2. Government investigators shall be given continuing access to James V. McCart's treating physicians, other health care providers and related medical records to determine the mental and medical status of the defendant, and this order shall constitute a waiver and release under federal and state laws. That is, the defendant's physicians and other health care providers shall provide

¹The court has accepted the plea and the court has found the defendant guilty. The court has not yet accepted the plea agreement. The matter awaits sentencing. There are pending objections to the presentence report, and those objections are complex.

investigators from the United States continuing and full access to all information regarding the defendant's medical and mental health.

3. Regarding the defendant's medical and mental health, counsel for the defendant shall provide written status reports to the court every 120 days, with the first report due on June 21, 2006.
4. If by February 21, 2007, it appears that the defendant is incompetent and will not be restored to competency, the government is directed to move to dismiss this case without prejudice or show good cause why it refuses to do so.

February 21, 2006.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge